

### **REMARKS**

This Amendment is submitted in reply to the Non-Final Office Action dated June 25, 2010. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

#### **Summary of the Examiner's rejections**

Claims 37-50 and 62-72 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 37-72 under 35 U.S.C. § 103(a) as being unpatentable over Black (US 2002/0116485A1) in view of Freese (WO 02/19116A2).

#### **Summary of claim amendments**

Applicant has amended independent claims 37, 51 and 62 where the support for the amendments can be found in paragraphs [0027], [0032], [0034]-[0036] and FIGURES 1-2 of the originally filed patent application. No new subject matter has been added.

#### **Remarks regarding the §101 rejections**

Claims 37-50 stand rejected under 35 U.S.C. § 101 because the Applicant attempted to claim non-statutory subject matter (i.e. software). Applicant has amended independent claim 37 to recite a "hardware-containing apparatus". Applicant respectfully submits that the amended independent claim 37 is directed to a "concrete thing" namely a "hardware-containing apparatus" which is a "machine" that is one of the four patent-eligible subject matter categories namely the process, machine, manufacture, and composition of matter (see 35 USC 101). Hence, Applicant submits that the amended independent claim 37 is directed to statutory subject matter and not software per se. Accordingly, Applicant respectfully requests the removal of the 101 rejection to the amended independent claim 37 and the corresponding dependent claims 38-50.

Claims 62-72 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended independent claim 67 to recite a “non-transitory” data storage. Accordingly, Applicant respectfully requests the removal of the 101 rejection to the amended independent claim 62 and the corresponding dependent claims 63-72.

#### **Remarks regarding the §103(a) rejections**

Applicant respectfully submits that the amended independent claim 37 is patentable in view of Black, Freese or any combination thereof. The amended independent claim 37 recites the following:

37. A hardware-containing apparatus for mediating in management orders between a plurality of origin managing devices and a plurality of managed devices in a telecommunications system, the management orders intended to execute management operations over the managed devices, comprising:

a communication receiver component arranged to receive a management order from one of the origin managing devices;

a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute comprised in a management access template, the management access template being one selected from the group consisting of: a first management access template in relationship with an identifier of the origin managing device; a second management access template in relationship with an identifier of a managed data object affected by the management order; and a third management access template in relationship with an identifier of a managed device affected by the management order;

a communication sender component arranged to send an allowed management order to a managed device; and

the hardware-containing apparatus is interposed between the plurality of origin managing devices and the plurality of managed devices so as to receive management orders from the plurality of origin managing devices and issue allowed management orders to the plurality of managed devices (emphasis added).

The claimed hardware-containing apparatus functions to mediate management orders between a plurality of origin managing devices and a plurality of managed devices. In particular, the claimed hardware-containing apparatus receives a management order from an origin managing device and then determines if the received management order is an allowed management order and if it is an allowed management

order then the claimed apparatus sends the allowed management order to a managed device. To accomplish this, claimed hardware-containing apparatus is interposed between the origin managing devices and the managed devices so as to receive management orders from the origin managing devices and issue allowed management orders to the managed devices. As a result, the claimed hardware-containing apparatus ensures that only the appropriate management operations are executed and, at the same time, alleviates the managed devices from receiving, checking or executing improper management orders (see paragraph [0011] in the patent application). The newly added limitation where the hardware-containing apparatus is interposed between the origin managing devices and the managed devices is not disclosed or suggested by the Examiner's closest prior art Black.

Black discloses an Operations Support Services (OSS) client that can be used to provision one or more network devices in one or more networks controlled by one or more network management systems (NMSs). In particular, Black discloses the following:

[0409] Instead of using the GUI to interactively provision services on one network device in real time, a user may provision services on one or more network devices in one or more networks controlled by one or more network management systems (NMSs) interactively and non-interactively using an Operations Support Services (OSS) client and templates. At the heart of any carrier's network is the OSS, which provides the overall network management infrastructure and the main user interface for network managers/administrators. The OSS is responsible for consolidating a diverse set of element/network management systems and third-party applications into a single system that is used, for example, to detect and resolve network faults (Fault Management), configure and upgrade the network (Configuration Management), account and bill for network usage (Accounting Management), oversee and tune network performance (Performance Management), and ensure ironclad network security (Security Management). FCAPS are the five functional areas of network management as defined by the International Organization for Standardization (ISO). Through templates one or more NMSs may be integrated with a telecommunication network carrier's OSS.

(see paragraph [0409])

Black does not disclose any device that reads-on the claimed apparatus which is in a position to mediate management orders between a plurality of origin managing

devices and a plurality of managed devices. Black's NMSs receive the OSS's orders and then forward the OSS's orders to the network devices. However, the NMSs do not "check" the OSS's orders to determine if they are allowed orders before sending orders to the network devices. Instead, Black's OSS provides the "overall network management infrastructure" which indicates that the NMSs would not mediate the OSS's orders before those orders are sent to the network devices. Thus, Black does not disclose or suggest anything related to the claimed apparatus that is in a position to mediate management orders received from origin managing devices before sending allowed management orders to the managed devices. Accordingly, the Examiner's interpretation where Black's OSS corresponds to the claimed origin managing devices, Black's NSM corresponds to the claimed apparatus, and Black's networked devices correspond to the claimed managed device does not read-on the amended independent claim 37.

Alternatively, Applicant has noted that the Examiner in the second Office Action dated December 4, 2009 had a different construction of Black when rejecting the present invention. In particular, the Examiner stated Black's network administrator/manager (people) corresponded to the claimed origin managing devices, Black's OSS corresponded to the claimed apparatus, and Black's NMS corresponded to the claimed managed device (see page 15 in the second Office Action). Applicant respectfully submits that the Examiner's "alternative" interpretation of Black does not read-on the amended independent claim 37. As disclosed in Black's paragraph [0049], Black's OSS has a Graphical User Interface (GUI) that network managers/administrators use to manage the overall network infrastructure. As such, Black's OSS does not interface with origin managing devices nor does the OSS receive a management order from one of the origin managing devices to determine if it is an allowed management order and if yes then sends the allowed management order to a managed device. The Examiner should readily appreciate that Black's network managers/administrators are not the claimed origin managing devices. Accordingly, the Examiner's "alternative" interpretation where Black's network administrator/manager (people) corresponds to the claimed origin managing devices, Black's OSS corresponds

to the claimed apparatus, and Black's NMS corresponds to the claimed managed device does not read-on the amended independent claim 37.

Referring again to the pending Office Action, Applicant agrees with the Examiner that "Black does not explicitly disclose a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute" (see pages 9-10 in the pending Office Action). However, when the Examiner cited Freese for his 103 observation ("Black does not explicitly disclose a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute. However Freese discloses a management verifier component...."), the Examiner failed to mention that --as claimed-- the access attribute is comprised in a "management access template" held by claimed apparatus, and which is checked by said apparatus at reception of a management order from an origin managing device before sending it towards a managed device, and for determining whether said sending takes place or not. In this respect, Freese does not disclose at all --in any of the cited references, nor in any other part of the document-- a management verifier component within an entity (e.g. FREESE Fig.1 [management server 6]) that mediates provisioning orders between a plurality of origin managers (e.g. Freese's Fig.1 [management console 7]) and a plurality of managed devices (e.g. Freese's Fig.1 [wireless devices 2 and 4]).

Instead, Freese discloses the following:

A method of managing a wireless device (2), the method comprising installing a management agent program in a memory of the wireless device (2), the installed management agent monitoring the status of application programs installed on the device. Management instructions are sent to the mobile device (2) from a Management Centre (5) using a wireless telecommunications network (1) and, following a receipt of the management instructions at the device, the management agent processes the instructions and manages the applications accordingly. The management agent reports the results of the processing operation to the Management Centre (5) via the wireless telecommunications network (1).

(see abstract).

As can be seen, Freese's method of managing a wireless device 2 includes using a management center 5 (which includes the management server 6 and management console 7) to send management instructions via a wireless communications network to the wireless device 2 that has installed therein a management agent program which processes the management instructions. Thus, Freese involves using the wireless device 2 with the installed management agent program to process management instructions. As discussed above, the claimed apparatus (which contains the management verifier component) receives a management order from an origin manager and then determines if the received management order is an allowed management order and if it is an allowed management order then the claimed apparatus sends the allowed management order to a managed device. The claimed managed device does not mediate the management order: it only receives allowed management orders from the claimed apparatus. Hence, Freese's management device 5 and wireless device 2 has absolutely nothing to do with the claimed apparatus or the claimed management verifier component.

Furthermore, Applicant respectfully submits the Black does not disclose at all an apparatus as claimed has the "management assess templates" as claimed. Instead, Black's paragraphs [0410] and [0411] disclose a user (i.e. a OSS user) creating "templates", which can be used to complete particular provisioning (management) tasks (a management order or a set of management orders). In addition, if Black's NMS (or even Black's OSS) is considered to be as the claimed apparatus, Black still does not disclose a management verifier component checking a "first management access template" in relationship with an identifier of the origin managing device, so as to determine whether a received management order is an allowed management order, before sending it to a managed device. In view of at least the foregoing, Applicant respectfully submits that the amended independent claim 37 and the corresponding dependent claims 38-50 are patentable in view of Black, Freese or any combination thereof.

Applicant respectfully submits that amended independent claims 51 and 62 are patentable in view of Black, Freese or any combination thereof. The amended independent claims 51 and 62 recite the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 37. As such, the aforementioned remarks regarding the patentability of the amended independent claim 37 apply as well to the amended independent claims 51 and 62. Accordingly, Applicant respectfully requests the allowance of the amended independent claims 51 and 62 and their corresponding dependent claims 52-61 and 63-72.

Referring now to dependent claims 38-40, Applicant respectfully submits that these claims are patentable in view of Black, Freese or any combination thereof. The pending dependent claims 38-40 recite the following:

38. The apparatus of claim 37, wherein the first management access template further comprises at least one access attribute selected from the group consisting of: an identifier of an allowed management operation; an identifier of an allowed managed data object; a pattern structure of the managed data object; an identifier of an allowed managed device; an identifier of an allowed management operation over an allowed managed device; and an identifier of an allowed management operation over an allowed managed data object (emphasis added).

39. The apparatus of claim 37, wherein the second management access template further comprises at least one access attribute selected from the group consisting of: a pattern structure of the managed data object; an identifier of an allowed management operation; an identifier of a managed device holding the managed data object; an identifier of an allowed origin managing device; an identifier of an allowed management operation from an allowed origin managing device; and an identifier of an allowed management operation over a holding managed device (emphasis added).

40. The apparatus of claim 37, wherein the third management access template comprises at least one access attribute selected from the group consisting of: an identifier of an allowed management operation; an identifier of a managed data object held on the managed device; an identifier of an allowed origin managing device; an identifier of an allowed management operation from an allowed origin managing device; and an identifier of an allowed management operation over a held managed data object (emphasis added).

In rejecting these claims, the Examiner cited Freese's FIG. 1-FIG. 2, page 5, line 23-page 6, line 9. However, Freese discloses in the cited section ("the instruction is

cryptographically signed") where cryptographically signing is no more than a feature for identifying the management console (origin manager). Hence, Freese does not disclose or suggest an "identifier of an allowed management operation... stored in a (first, second and third) management access template held by an apparatus mediating management orders between a plurality of managed and managing devices as recited in the pending dependent claims 38-40. Moreover, Freese does not disclose or suggest an "identifier of an allowed management operation... stored in the first management access template and stored in relationship with an identifier of said origin manager as recited in the pending dependent claim 38. In view of at least the foregoing, Applicant respectfully submits that the pending dependent claims 38-40 are patentable in view of Black, Freese or any combination thereof.

### **CONCLUSION**

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for pending claims 37-72.

The Commissioner is hereby authorized to charge any fees for this paper to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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